

SECOND REGULAR SESSION

SENATE BILL NO. 800

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHIELDS.

Read 1st time January 4, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4206S.011

AN ACT

To repeal section 431.180, RSMo, and to enact in lieu thereof one new section relating to contracts for private design or construction work.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 431.180, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 431.180, to read as follows:

431.180. 1. All persons who enter into a contract for private design or
2 construction work after August 28, [1995] **2006**, shall make all scheduled **or**
3 **lump sum** payments pursuant to the terms of the contract.

4 2. Any person who has not been paid in accordance with subsection 1 of
5 this section may bring an action in a court of competent jurisdiction against a
6 person who has failed to pay. The court may in addition to any other award for
7 damages, award interest at the rate of up to one and one-half percent per month
8 from the date payment was due pursuant to the terms of the contract, and
9 reasonable attorney fees, to the prevailing party. If the parties elect to resolve
10 the dispute by arbitration pursuant to section 435.350, RSMo, the arbitrator may
11 award any remedy that a court is authorized to award hereunder.

12 3. The provisions of this section shall not apply to contracts for private
13 construction work for the building, improvement, repair or remodeling of
14 owner-occupied residential property of four units or less.

15 4. For purposes of this section, design or construction work shall include
16 design, construction, alteration, repair or maintenance of any building, roadway
17 or other structure or improvement to real property, or **any** demolition or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 excavation connected therewith, and shall include the furnishing of surveying,
19 architectural, engineering or landscape design, planning or management services,
20 labor or materials, in connection with such work.

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